

FEHBP is a cost-effective and viable option that should be made available to all retirees.

The FY 1999 NDAA also provided authority to conduct two other demonstrations for Medicare-eligible retirees which CDR Torsch and the coalition collaborated on with the Armed Services Committees: TRICARE as second-payer to Medicare; and the enrollment in DOD's mail order and retail pharmacy programs.

CDR Torsch's unwavering efforts to provide a meaningful health care benefit to Medicare-eligible members of the uniformed services community culminated this year when Congress established in the FY 2001 National Defense Authorization Act a lifetime entitlement to TRICARE for service retirees, their family members and survivors. Effective on October 1, 2001, the TRICARE-for-Life option will not require participants in this program to pay enrollment fees or deductibles. CDR Torsch and the Military Coalition also advocated successfully to have Congress offer a TRICARE prescription drug benefit in the final FY 2001 NDAA. As evidence of her commitment and effectiveness in advocating on behalf of military retirees, Congress also adopted a key recommendation offered by CDR Torsch in her testimony earlier this year that beneficiaries should not be required to pay enrollment fees or premiums to participate because doing so would deny this benefit to those who need it most.

Taken together, these initiatives comprise the most significant improvements in military health care ever undertaken. Thanks in large measure to the dedication by CDR Torsch, TROA and other advocates of military retirees, Congress has demonstrated its commitment to providing lifetime health care to our nation's military personnel and their families. I commend their involvement in this area and believe these efforts should prove invaluable in reversing declining retention and readiness trends in all services.

Mr. Speaker, CDR Torsch has been a leader in every sense of the word—a leader in TROA, the Military Coalition and the entire retired community. Her health care contributions have made an indelible mark on the lives of millions of retirees that will benefit them for years to come. I urge you to join me in wishing her continued success in her new endeavors and in her continued service to this nation.

CONCERNING ABILENE  
PHILHARMONIC ORCHESTRA

**HON. CHARLES W. STENHOLM**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 14, 2000*

Mr. STENHOLM. Mr. Speaker, I would like to recognize the 50th anniversary of one of Abilene's oldest performing arts organizations, the Abilene Philharmonic Orchestra on December 2 of this year. This great symphony orchestra enriches the cultural life of a city in a unique way; it creates a place where fine musicians want to live and teach and perform. In the 1950-opening season, concerts were held in the old Abilene High School with audiences of less than 100 people. Currently the

Abilene Philharmonic Orchestra performs in the Abilene Civic Center with crowds averaging 2,000. I would not only like to acknowledge this organization for their 50th anniversary, but also the impact they have had on the Abilene community.

HONORING A SPECIAL COLORADO  
FAMILY

**HON. BOB SCHAFFER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 14, 2000*

Mr. SCHAFFER. Mr. Speaker, today I rise to honor a hard working family from Flagler, CO. Florence Fuller works with her daughter and son-in-law, Sally and Mike Santala on their farm in northeast Colorado. They survive Florence's husband, Eddie, who began the family tradition of finding new ways of conserving natural resources on their farm. It is that tradition that has earned the Fuller family the Farming Conservationist Award from the Colorado Association of Soil Conservation Districts at its 56th annual meeting in Grand Junction, Monday, November 13. Each year, the association awards the title of Conservationist of the Year to landowners who exemplify leadership in land stewardship.

The Fullers first came to Kit Carson County in 1948 and immediately took a leadership role in their local community. Eddie Fuller helped organize the Flagler Soil Conservation District in 1951 and acted as the organization's Secretary-Treasurer for 16 years. The Fuller farm now encompasses 860 acres of cropland, 97 acres of hay meadow, and 2,500 acres of rangeland at the base of the Colorado Rocky Mountains. It is because of the Fuller family's innovative work with rotational grazing techniques and other conservation methods that the Colorado Association of Conservation Districts has bestowed upon them such an honor, and it is because of their contributions to their community and the environment that I stand here to recognize them today.

MOTION TO INSTRUCT CONFEREES  
ON H.R. 4577, DEPARTMENTS OF  
LABOR, HEALTH AND HUMAN  
SERVICES, AND EDUCATION, AND  
RELATED AGENCIES APPROPRIATIONS ACT 2001

SPEECH OF

**HON. JOE BARTON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 31, 2000*

Mr. BARTON of Texas. Mr. Speaker, I rise today to oppose this motion. It is fitting this motion was brought on October 31, because this is pure Halloween politics by the minority party designed to scare Americans a week before the Presidential election. The timing of the motion, and the study upon which this motion is based, are questionable at best. One week before an election, the Minority Staff of the Government Reform Committee releases a re-

port criticizing the condition of Texas nursing homes.

Some have tried to pass this study off as non-partisan. I have a hard time believing such a claim. This study was conducted unbeknownst to the majority staff at the Government Reform Committee. This was not an effort to accurately gauge the conditions of Texas nursing homes. This was purely political. The Gore-Lieberman website posted the study and commentary on it before it was released to Majority Members of the Government Reform Committee. It also breeds suspicion that days before this report was released, the Democratic National Committee began an advertising campaign on the state of nursing homes in Texas.

If this was a non-partisan study then are we supposed to believe that it was a mere coincidence the study was released on the heels of these ads being run. Even if we are to blindly accept such a coincidence, the release of the study to the Gore-Lieberman campaign before it was given to Majority Members of the Government Reform Committee clearly demonstrate that this study was nothing more than partisan political propaganda.

More disheartening than the timed release of this study was the facts ascertained and the conclusions reached by the study are a clear misrepresentation of the conditions of nursing homes in Texas. I agree that we must take steps to improve the care that patients receive in nursing homes. However, as a Texan I take great umbrage at this one-sided hatchet job designed to embarrass my state.

If we look at the objective facts we find a much different picture of Texas nursing homes than painted by the Minority Staff Report. In September 2000, the non-partisan General Accounting Agency (GAO) issued a comprehensive study that directly disputes the claims made in the partisan minority report. The GAO concluded that the percentage of homes in Texas cited for harm and immediate jeopardy deficiencies were half what the partisan Minority study claims.

The Minority Staff study claims that over 50 percent of the nursing homes in Texas had violations that caused actual harm to residents or placed them at risk of death or serious injury. According to the September GAO report, the percentage of homes with actual harm and immediate jeopardy deficiencies from January 1997 to July 2000 were only 25 percent—half what the Minority report stated. We must work to reduce this number, but it also clearly demonstrates how the Minority report attempted to overstate the problem in a partisan effort to embarrass Texas.

The University of California San Francisco Department of Social and Behavioral Sciences conducted a nationwide study of nursing facility deficiencies in which Texas nursing homes rated better than most other states. The study examined the percentage of nursing homes with deficiencies in ten different areas; Comprehensive Assessments, Accident Prevention, Housekeeping, Dignity, Physical Restraints, Food Sanitation, Accidents, Quality of Care, Pressure Sores, and Comprehensive Care Plans. In Calendar Year 1998, the last year of the study, Texas nursing homes had lower indices of deficiencies than the normal average in eight of these categories.

In the percentage of Quality of Care deficiencies, Texas nursing homes are below the national average, while a state like Connecticut is a staggering 19 percent above the national average, and above the national average in four of ten categories. In the percentage of Food Sanitation deficiencies, Texas is half a percentage point above the national average. However, Tennessee is over eight percent above the national average in Food Sanitation deficiencies. Instead of attempting to misrepresent the Texas record for political gain, the Gore-Lieberman ticket should be focusing their efforts on improving nursing home conditions in their home states.

In Texas we understand there are problems within our nursing home system, and we have taken steps to correct them. In 1995 and 1997, Texas passed legislation that instituted: new requirements for background checks on nursing home operators, new enforcement measures on non-compliant nursing homes, and mandated standards for quality of life and quality of care. A facilities compliance with these standards must be made available to the public and explained to nursing home residents as well as their next of kin.

According to a March 1999 GAO report on nursing homes, Texas spends more than other states on compliant expenditures per home. It also shows that the only state with more compliant visits per 1,000 beds is Washington. Many experts believe that compliant investigators are more important than the standard surveys required not less frequently than every 15 months. This is believed to be this case because complaints can be a good indicator of a current problem in a facility, that a compliant visit comes as a surprise and thus gives surveyors a more accurate picture of what is going on in a facility.

We passed the Boren Amendment in the Balanced Budget Act of 1997 to remove states Medicaid spending from the crippling effects of court mandated reimbursements. The Boren Amendment was enacted to provide more fiscal discipline in the Medicaid program. However, the vague wording of the amendment subjected states to numerous court orders that led to Medicaid spending spiraling out of control. A major proponent of eliminating the Boren Amendment was President Clinton. The President, in an August 1999 speech to the National Governors Association, stated, "We've waived or eliminated scores of laws and regulations on Medicaid, including one we all wanted to get rid of, the so-called Boren Amendment." Eliminating this provision was a bipartisan effort which both parties agreed to.

If the Boren Amendment is not working, and the proof is not there that it isn't, then let's follow the procedures dictated by the Balanced Budget Act of 1997. In this statute a provision was included that asks the Secretary of the Department of Health and Human Services to conduct a study on access to, and quality of, the services provided to beneficiaries subject to the rate setting method used by the states. That report is due 4 years after the enactment of B.B.A. 97 which puts us in August of next year. This report will give accurate information on the effects on repeal of the Boren Amendment, and if there is a need to have it reinstated.

This is Halloween, but don't be fooled. If we need to reexamine the repeal of the Boren

Amendment let's wait until the Secretary is done with the report. This motion is not about patient care. This is about election year politics, and I urge all my colleagues to vote "no."

#### THE SKELETON IN THE CLOSET

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. CONYERS. Mr. Speaker, the following is an article which appeared in the November 2, 2000 edition of *The New York Review of Books*, which considers the differences among African-Americans and historians as to how slavery should be most accurately remembered.

Its author, George M. Fredrickson has observed that there is indecision among African-Americans as to how slavery should be remembered, which is brought about because some believe that the best course of action is not to act at all, in other words to forget it. They wish to simply neglect any detailed recollection of slavery because the pain of its memory is too difficult to bear. But others are convinced that everything about this peculiar institution should be brought to light. To them it seems the better course of action to emulate the strategy of the one ethnic group in the twentieth century, that was severely persecuted, but who remained determined not only to discuss their persecution, but to document and publicly display it by way of museums and oral histories and confirm for all time the incredible atrocities to which they were subjected.

Over the last six years, there has been an amazing outpouring of literature and research concerning the enslavement of African people in the United States and it appears that there is still more to come. In the article that follows, it is made clear that the perspective of the historian often affected his work and made the relationship between the slaves and the slavemaster a matter of his, the historian's, subjective interpretation. It also showed how many of the attitudes that buttressed the institution of slavery lived beyond the reconstruction era and persisted not only into the post reconstruction era but into modern times. Because of the growing number of legislators who are becoming attracted to this subject and the unresolved questions that swirl around it, this essay and other materials that it references continue to illuminate this terrible part of American history. Of growing concern is the challenge that this new information may help us in a constructive way to move forward as a nation that honors diversity rather than leading to finger pointing and accusations that will divide us further. There is a growing hope that the spotlight of truth can lead to constructive solutions and a new appreciation of the significance of a diversity which is uniquely American.

#### THE SKELETON IN THE CLOSET

(By George M. Fredrickson)

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One hundred and thirty-five years after its abolition, slavery is still the skeleton in the American closet. Among the African-Amer-

ican descendants of its victims there is a difference of opinion about whether the memory of it should be suppressed as unpleasant and dispiriting or commemorated in the ways that Jews remember the Holocaust. There is no national museum of slavery and any attempt to establish one would be controversial. In 1995 black employees of the Library of Congress successfully objected to an exhibition of photographs and texts describing the slave experience, because they found it demoralizing. But other African-Americans have called for a public acknowledgment of slavery as a national crime against blacks, comparable to the Holocaust as a crime against Jews, and some have asked that reparations be paid to them on the grounds that they still suffer from its legacy. Most whites, especially those whose ancestors arrived in the United States after the emancipation of the slaves and settled outside the South, do not see why they should accept any responsibility for what history has done to African-Americans. Recently, however, the National Park Service has begun a systematic review of exhibits at Civil War battlefields to make visitors aware of how central slavery and race were to the conflict.

Professional historians have not shared the public's ambivalence about remembering slavery. Since the publication of Kenneth Stampp's *The Peculiar Institution* in 1956 and Stanley Elkins's *Slavery* in 1959, the liveliest and most creative work in American historical studies has been devoted to slavery and the closely related field of black-white relations before the twentieth century. In the 1970s, there was a veritable explosion of large and important books about slavery in the Old South. But no consensus emerged about the essential character of anti-bellum slavery. What was common to all this work was a reaction against Stanley Elkins's view that slavery devastated its victims psychologically, to such an extent that it left them powerless to resist their masters' authority or even to think and behave independently. If slaves were now endowed with "agency" and a measure of dignity, the historians of the Seventies differed on the sources and extent of the cultural "breathing space" that slaves were now accorded. For Herbert Gutman, it was the presence among slaves of closely knit nuclear and extended families; for John Blassingame, it was the distinctive communal culture that emanated from the slave quarters; for Eugene Genovese, it was the ability to maneuver within an ethos of plantation paternalism that imposed obligations on both masters and slaves.

Clearly there was a difference of opinion between Blassingame and Gutman, on one hand, and Genovese on the other, about how much autonomy the slaves possessed. Genovese conceded a "cultural hegemony" to the slaveholders that the others refused to acknowledge. But even Genovese celebrated "the world that the slaves made" within the interstices of the paternalistic world that the slaveholders had made. At the very least, slaves had their own conceptions of the duties owed to them by their masters, which were often in conflict with what the masters were in fact willing to concede. Although all the interpretations found that conflict was integral to the master-slave relationship, the emphasis on the cultural creativity and survival skills of the slaves tended to draw attention away from the most brutal and violent aspects of the regime—such as the frequent and often sadistic use of the lash and the forced dissolution by sale of many thousands of the two-parent families discovered by Gutman.